

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Rhoads

Art Unit: 2625

**Patent 7,656,565, Issuing February 2, 2010**

Conf. No.: 2476

Application No.: 10/678,584

Filed: October 3, 2003

Via Electronic Filing

For: EXPLOITING RANDOM MOTION  
DURING SCANNING TO YIELD  
IMPROVED IMAGE

Examiner: Lee

Date: January 20, 2010

**APPLICATION FOR PATENT TERM ADJUSTMENT**  
**(Request for Reconsideration of PTO's Patent Term Adjustment Determination)**  
**(37 CFR 1.705(d))**

Sir,

Applicant requests reconsideration of the Office's Patent Term Adjustment (PTA) Determination. In particular, applicant believes the 1139 day PTA listed on the PTO's Patent Term Adjustment page on PAIR is incorrect; the correct PTA is believed to be 1792 days.

Statement of Facts

The calculation of PTO Delay is believed to be in error; Applicant submits it is longer than the 1139 days indicated on the Office's PAIR Patent Term Adjustment page (attached).

In particular, Applicant believes both "14 Month to First Action" and "3 Year to Issuance" delays should have been credited in accordance with the decision of the Federal Circuit in *Wyeth v. Kappos*, Appeal 2009-1120, January 7, 2010.

The Office computed its delay as including 1218 days of 14 Month to First Action Delay, and 16 days of other delays. However, no 3 Year to Issuance delay appears to have been credited.

This application was filed on October 3, 2003, and is scheduled to issue on February 2, 2010.

Applicant submits that – properly computed – a 3 Year Delay period began on the third anniversary of the filing date (i.e., October 3, 2006), and extends until the issue date (i.e., February 2, 2010), or 1218 days. (Coincidentally, the 3 Year and 14 Month delays are 1218 days each.)

The 3 Year delay period overlaps the 14 Month to First Action delay by 549 days, and the 3 Year delay wholly overlaps the 16 days of other delays.

Applicant thus believes the correct PTA should be 1792 days, computed as follows:

1218 days	14 Month Delay
1218 days	3 Year Delay
-549 days	Overlap between 14 Month and 3 Year delays
-95 days	Applicant delay
1792 days	

There was no circumstance constituting a failure to engage in reasonable efforts to conclude processing or examination of the application – other than those already considered in the PTO's earlier determination of patent term adjustment.

Respectfully submitted,

Date: January 20, 2010

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General		Order Certified Application As Filed Order Certified File Wrapper			View Order List	
10/678,584 EXPLOITING RANDOM MOTION DURING SCANNING TO YIELD IMPROVED IMAGE						
Filed Date	Priority Date	Applicant Name	Parent Term Adjustment	Category	Published Date	Address & Assignments
10-03-2003		USPTO Delay (PTO) Delay (days)	1234			
Filing or 371(c) Date:		Three Years:	-			
Issue Date of Patent:		Applicant Delay (APPL) Delay (days)	95			
Pre-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	1139			
Post-Issue Petitions (days):	+0					
USPTO Adjustment (days):	+0	Expiration Of Cancellations				
Patent Term Adjustment History						
Date	Contents	Description	PTO(Days)	APPL(Days)		
01-13-2010	PTA 36 Months					
02-02-2010	Patent Issue Date Used in PTA Calculation					
12-29-2009	Dispatch to FDC					
12-16-2009	Response to Reasons for Allowance					
12-22-2009	Application Is Considered Ready for Issue					
12-16-2009	Issue Fee Payment Verified					
12-16-2009	Issue Fee Payment Received					
09-23-2009	Mail Notice of Allowance		10			
06-24-2009	Notice of Allowance Data Verification Completed		*			
06-24-2009	Document Verification		*			
06-19-2009	Paralegal TD Accepted		*			
05-13-2009	Terminal Disclaimer Filed		*			
06-02-2009	Date Forwarded to Examiner		*			
05-13-2009	Response after Non-Final Action			50		
05-13-2009	Request for Extension of Time - Granted				*	
12-24-2008	Mail Non-Final Rejection		6			
12-22-2008	Non-Final Rejection		*			
08-18-2008	Information Disclosure Statement considered		*			
10-15-2008	Paralegal TD Accepted		*			
08-18-2008	Terminal Disclaimer Filed		*			
08-18-2008	Reference capture on IDS		*			
08-18-2008	Information Disclosure Statement (IDS) Filed		*			
10-10-2008	Date Forwarded to Examiner		*			
08-18-2008	Response after Non-Final Action			45		
08-18-2008	Request for Extension of Time - Granted				*	
08-18-2008	Information Disclosure Statement (IDS) Filed				*	
04-04-2008	Mail Non-Final Rejection		1218			
03-31-2008	Non-Final Rejection		*			
05-17-2004	Information Disclosure Statement considered		*			
08-03-2006	IFW TSS Processing by Tech Center Complete		*			
05-17-2004	Reference capture on IDS		*			
05-17-2004	Information Disclosure Statement (IDS) Filed		*			
05-17-2004	Information Disclosure Statement (IDS) Filed		*			
07-14-2006	Case Docketed to Examiner in GAU		*			
03-31-2004	Application Return from OIPE		*			
03-31-2004	Application Return TO OIPE		*			
03-31-2004	Application Return from OIPE		*			
03-31-2004	Application Is Now Complete		*			
03-08-2004	Additional Application Filing Fees		*			
03-08-2004	Small Entity Statement (37 CFR 1.27)		*			
03-08-2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic		*			
12-31-2003	Notice Mailed--Application Incomplete--Filing Date Assigned		*			
12-31-2003	Pre-Exam Office Action Withdrawn		*			
12-30-2003	Application Return TO OIPE		*			
12-30-2003	Application Dispatched from OIPE		*			
12-30-2003	Application Is Now Complete		*			
12-17-2003	Cleared by OIPE CSR		*			
10-31-2003	IFW Scan & PACR Auto Security Review		*			
10-03-2003	Initial Exam Team nn		*			

If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EPOSupport@uspto.gov](mailto:EPOSupport@uspto.gov) for specific questions about Patent Application Information Retrieval (PAIR).